IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 5319 of 2003

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Between:

1. M.C. Sri Ramulu, S/o Rangappa
2. M.P. Sri Ramulu, S/o. Ellappa
3. G. Mabu, S/o. Ganugapeera
4. C. Sunkanna, S/o Anjinappa
5. C. Rangadu, S/o Naganna
6. E. Chinna Narayana Swamy, S/o. Pedda Anjinappa
7. V.C. Venkata Reddy S/o Keshava Reddy
8. M. Suryanarayana Reddy,
9. P. Chandrasekharaiah, S/o.Roshappa
10. E. Krishna Murthy, S/o. Virupakshaiah
11. D. Kullayappa, S/o. Kullayappa
12. D. Rasool, S/o. Babaiah
13. D. Hussainpeera S/o. Mastanappa
14. P. Veerabhadraiah S/o Virupakshi Reddy
15. Y. Nageswara Reddy S/o. Chinna Veeranna
16. Z. Adinarayana Reddy, S/o Bala Veeranna
17. G. Lakshminarayana, S/o. Nadipi Ganganna
18. R. Obi Reddy, S/o. Pedda Ganganna
19. Y. Gurrappa, S/o. Chinnabbi
20. R. Jaya Ramudu, S/o.Munneppa

21.S. Venkataramudu, S/o.Balanna

22.A. Obilesu, S/o.Chinnarayanna

23.K. Gadilingamu S/o. Ramanjaneyulu

24.S. Chandrasekhara Reddy S/o.Chenna Reddy

All are R/o.Peddavaduguru Village, Peddavaduguru Mandal, Ananthapur District.

..... PETITIONERS

AND

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1. The District Scheduled Caste Service Cooperative Society Ltd., rep. By its Chairman-cum-District Collector, Anantapur, Anantapur District.

2. The Assistant Commissioner of Endowments, Near Ganga Gowri Theatre, Anantapur District.

3. The Mandal Revenue Officer, Peddavaduguru Village & Mandal, Anantapur District.

4. Sri Kasabu Anjaneya Swamy Temple, Peddavaduguru (V) & (M), rep. By its Executive Officer. K. Pulla Reddy S/o.K. Anki reddy, Group Temples, Gooty Anantapur Dist.

(R4 is impleaded as per Court Order dated 20-7-2004 in WPMP No.14968 of 2004.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondents in initiation of steps for eviction of the petitioners from an extent of Acres 41.34 in survey No.772-A of Peddavaduguru village and Mandal, Anantapur District for the purpose of allotment of those lands to S.Cs. in pursuance of Rc.No.145/2002-03, dated 03-10-2002 of the 1st respondent as illegal, irregular, arbitrary, unjustified, unsustainable and violative of the guidelines issued in G.O.Ms.No.456, Revenue (Endts.II) Dept. dated 29-09-1995 and G.O.Ms.No.444, Revenue (Endts.II) Dept., dated 19-09-1995 and direct the respondents to continue the petitioners to be in possession and enjoyment of their respective lands duly considering the conferring of assignment/ownership pattas on them.

Counsel for the Petitioners: MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following ORDER:

Heard both sides. At their request the main writ petition itself is taken up for final disposal.

The petitioners herein claiming to be the tenants in respect of various extents of land belonging to the temple filed this writ petition *inter alia* seeking a declaration that the action of the respondents in initiating steps for eviction without due process of law as illegal. The petitioners state that they have been in possession of the land for a long period under a valid lease. They are sought to be dispossessed from the land without any reason and without issuing any notice as contemplated under law.

The learned standing counsel appearing on behalf of the temple submits that the land has already been alienated to the S.C. Corporation. She also denies the fact that the petitioners are landless poor persons.

However, the fact remains that the petitioners are in possession, as tenants or otherwise.

Having considered the submissions made on either side and also on perusal of the material on record, it is seen that the petitioners complaint is more justified especially in view of the fact that the said land is already alienated to the S.C. Corporation and there is a threat of dispossession of the petitioners. Further admittedly no steps are being taken and no notice is issued to the petitioners as contemplated under law.

In view of the same, the Writ Petition is disposed of directing the respondents to initiate such steps available under law for eviction of the petitioners, after giving notice as contemplated under law and after giving an opportunity to explain the same. No costs.

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B. Prakash Rao, J.

20th July, 2004

js.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The District Scheduled Caste Service Cooperative Society Ltd., rep. By its Chairman-cum-District Collector, Anantapur, Anantapur District.

2. The Assistant Commissioner of Endowments, Near Ganga Gowri Theatre, Anantapur District.

3. The Mandal Revenue Officer, Peddavaduguru Village & Mandal, Anantapur District.

4. Two CCs to G.P. for Cooperation, High Court buildings, Hyderabad.(OUT)

5. 2 CD copies.